

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

PAUL POZNIAK,

Petitioner,

Case No. 1:14-cv-12649
Hon. Thomas L. Ludington

v.

MARY BERGHUIS,

Respondent.

ORDER DENYING MOTION FOR RECONSIDERATION

Petitioner, Paul Pozniak, a state prisoner, filed this case under 28 U.S.C. § 2254, challenging his Michigan convictions. ECF No. 1. The case was stayed for over two years while Petitioner exhausted his state court remedies. ECF Nos. 6, 12. On November 4, 2016, in an order reopening the case, the Court denied without prejudice Petitioner's motion for appointment of counsel. The Court explained that it would "reconsider this request on its own motion after the Respondent has filed its responsive pleading and submitted the state court record." ECF No. 12. at 2. Presently before the Court is Petitioner's motion to reconsider the decision to deny appointment of counsel. ECF No. 15.

Local Rule 7.1(h) allows a party to file a motion for reconsideration. However, a motion for reconsideration which presents the same issues already ruled upon by the court, either expressly or by reasonable implication, will not be granted. *Ford Motor Co. v. Greatdomains.com, Inc.*, 177 F. Supp. 2d 628, 632 (E.D. Mich. 2001). As explained in the previous order, the Court has not yet reviewed the merits of Petitioner's application. Until it has done so, consideration of Petitioner's request for appointment of counsel would be premature. The Court will reconsider the request on

its own motion when it undertakes plenary review of the case. The motion for reconsideration will be denied.

Accordingly, it is **ORDERED** that Petitioner's motion for reconsideration, ECF No. 15, is **DENIED**.

Dated: December 8, 2017

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on December 8, 2017.

s/Kelly Winslow
KELLY WINSLOW, Case Manager